

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	Civil Action No. 1:18-cv-00074
)	
v.)	Chief Judge Crenshaw/ Magistrate Judge Frensley
)	
MAGNETI MARELLI OF TENNESSEE, LLC)	Jury Demand
)	
Defendant.)	

**PLAINTIFF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiff, Equal Employment Opportunity Commission (the "Commission"), submits this memorandum in support of the Commission's Motion for Leave to File Motion for Partial Summary Judgment with respect to Affirmative Defense No. 2 asserted by Defendant Magneti Marelli of Tennessee, LLC ("Magneti Marelli") in its Answer to the Commission's Complaint.

Specifically, Magneti Marelli asserts that the Commission's "claims are barred to the extent that it, or any of the individuals on whose behalf it has filed suit, have failed to satisfy and/or exhaust any and all administrative, jurisdictional, and/or procedural prerequisites to suit." See Doc No. 7 at p. 9. The Commission believes

partial summary judgment is warranted on the issue of whether the Commission fully satisfied any and all administrative, jurisdictional or procedural prerequisites to suit, including the Commission's pre-suit conciliation requirements in this case in accordance with 42 U.S.C. § 2000e-5(b) and *Mach Mining, LLC v. EEOC*, 135 S.Ct. 1645 (2015).

The Commission believes an early ruling on this issue is in both parties' best interests. There is ample evidence to support a ruling for the Commission on this issue. Further, it appears in the best interest of the parties that the Court give the Commission the opportunity to present evidence prior to trial so that both parties can preserve financial and judicial resources, as the Commission's success on this issue will narrow the scope of the lawsuit.

Accordingly, for the reasons stated herein, the Commission respectfully requests that this Court grant its motion and allow the Commission leave to file its motion for partial summary judgment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on September 25, 2019, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

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